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17 UNITED STATES DISTRICT COURT
18 DISTRICT OF NEVADA

19 ELIZABETH CARLEY,

Case No. 2:17-cv-02670-MMD-VCF

20 Plaintiff,

v.

21 JO GENTRY, et al.,

JOINT STIPULATION AND ORDER
TO EXTEND THE JOINT PRETRIAL
ORDER DEADLINE FROM JUNE 27,
2022, TO AUGUST 29, 2022
(Third Request)

Defendants.

22 Plaintiff Elizabeth Carley, by and through counsel, Lisa. A. Rasmussen, and
23 Defendants, Sheryl Foster, Patrick Vejar, Jo Gentry, James Dzurenda, Charles Daniels,
24 Gabriela Najera, Tanya Hill, Dwight Neven, Cynthia Ruiz, and Kim Thomas, by and
25 through counsel, Aaron D. Ford, Nevada Attorney General, and Christopher M. Guy,
26 Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby
27 submit a Joint Stipulation And Order To Extend The Joint Pretrial Order Deadline From
28 June 27, 2022, to Monday, August 29, 2022.

1 I. INTRODUCTION

2 The Parties hereby move to extend the Joint Pretrial Order deadline from June 27,
 3 2022, to August 29, 2022 (63 days). Good cause exists in this case because the Parties have
 4 resumed settlement discussions and may be able to resolve this matter without further
 5 litigation. Additionally, both counsel for Plaintiff and Defendants assumed litigation
 6 responsibilities for this matter post summary judgment briefing. Plaintiff's counsel
 7 appeared in this matter as recent as January 25, 2022, for the purpose of a settlement
 8 conference.¹ ECF No. 163. The Parties agree that additional time is necessary to review
 9 the discovery records produced in this matter to submit a Joint Pretrial Order.

10 II. LAW AND ARGUMENT

11 A. Law

12 Federal Rule of Civil Procedure 6(b)(1)² provides:

13 (1) In General. When an act may or must be done within a
 14 specified time, the court may, for good cause, extend the time:

15 (A) with or without motion or notice if the court acts, or if
 16 a request is made, before the original time or its extension
 17 expires; or

18 (B) on motion made after the time has expired if the party
 19 failed to act because of excusable neglect.

20 FED. R. CIV. P. 6(b)(1).

21 The United States Supreme Court has recognized, "Rule 6(b) gives the
 22 court extensive flexibility to modify the fixed time periods found throughout the rules,
 23 whether the enlargement is sought before or after the actual termination of the allotted
 24 time." Lujan v. Nat'l Wildlife Fed., 497 U.S. 871, 906 n. 7 (1990) (internal quotation marks
 25 and citation omitted) (emphasis added); see also Perez-Denison v. Kaiser Found. Health
 26 Plan of the Nw., 868 F. Supp. 2d 1065, 1079 (D. Or. 2012) (citing and quoting Lujan, 497

27 ¹ This settlement conference was more akin to a global settlement conference as two
 28 of Plaintiff's cases were at issue: the other case being 2:17-cv-02346-MMD-CLB.

29 ² LR IA 6-1(a): "A motion or stipulation to extend time must state the reasons for the
 30 extension requested and must inform the court of all previous extensions of the subject
 31 deadline the court granted." Further, a "stipulation or motion seeking to extend the time
 32 to file an opposition or reply to a motion, or to extend the time fixed for hearing a motion,
 33 must state in its opening paragraph the filing date of the subject motion or the date of the
 34 subject hearing." LR IA 6-1(c).

1 U.S. at 906). Further, this rule, like all the Federal Rules of Civil Procedure, is to be
 2 liberally construed to effectuate the general purpose of seeing that cases (and other
 3 disputed issues) are decided on the merits. *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d
 4 1253, 1258 (9th Cir. 2010). Regarding “Good cause,” it is a non-rigorous standard that has
 5 been construed broadly across procedural and statutory contexts. *Id.* (citing several circuits
 6 *Venegas-Hernandez v. Sonolux Records*, 370 F.3d 183, 187 (1st Cir.2004); *Thomas v.*
 7 *Brennan*, 961 F.2d 612, 619 (7th Cir.1992); *Lolatchy v. Arthur Murray, Inc.*, 816 F.2d 951,
 8 954 (4th Cir.1987)).

9 Consequently, requests for extensions of time made before the applicable deadline
 10 has passed should “normally ... be granted in the absence of bad faith on the part of the
 11 party seeking relief or prejudice to the adverse party.” *Ahanchian*, 624 F.3d at 1259
 12 (quoting 4B Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* §
 13 1165 (3d ed. 2004)).

14 B. Agreement

15 On June 23, 2022, the Parties meet and conferred about the status of the case. The
 16 Parties renewed settlement discussions as Plaintiff’s circumstances have changed now that
 17 she resides in transitional housing. The Parties agreed that Plaintiff’s new circumstance
 18 should be considered for settlement purposes and present new opportunities for settlement
 19 that were not considered at the March 24, 2022, settlement conference. The Parties do not
 20 act in bad faith. They are evaluating the issues and settlement possibility in good faith.

21 Additionally, the Parties seek additional time to work together to draft the Joint
 22 Pretrial Order. The Parties are working together to determine what records were produced
 23 prior to counsels’ appearances in this matter. The additional time is necessary to the
 24 drafting and agreement to a joint order. Thus, the Parties request an extension of the Joint
 25 Pretrial Order deadline of June 27, 2022, to August 29, 2022.

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1 III. CONCLUSION

2 For the foregoing reasons, the Parties request an extension of the Joint Pretrial
3 Order deadline of June 27, 2022, to August 29, 2022.

5 DATED this 24th day of June 2022

6 By: /s/ Lisa A. Rasmussen
7 LISA A. RASMUSSEN, Esq.
8 Law Offices of Kristina Wildeveld &
Associates
9 550 E. Charleston Blvd.
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10 Attorneys for Plaintiff

DATED this 24th day of June 2022

By: /s/ Christopher M. Guy
CHRISTOPHER M. GUY
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Las Vegas, Nevada 89101
Attorneys for Defendants

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12 IT IS SO ORDERED.

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14 UNITED STATES MAGISTRATE JUDGE
15 DATE: 6-27-2022

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